

## **REMARKS**

Claims 6 and 8 have been amended. No claims have been canceled or added in the present response. Claims 6-12, 15, 17-21, 23, 24, 26, 27, and 30-35 are currently pending in the case. Further examination and reconsideration of the presently claimed application are respectfully requested.

### **Allowed Claims**

Applicant appreciates the Examiner's allowance of claims 12, 15, 17-21, 23, 24, 26, 27, and 30-35 and awaits formal allowance of the remaining claims.

### **Allowable Subject Matter**

Claims 7-11 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicant sincerely appreciates the Examiner's recognition of the patentable subject matter recited in these claims. As set forth below, independent claim 6 has been amended in a manner which patentably distinguishes it from the cited art. Therefore, dependent claims 7-11 are allowable over the cited art for at least the same reasons as base claim 6. Accordingly, removal of the objection to claims 7-11 is respectfully requested.

### **Section 102 Rejection**

Claim 6 was rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 6,140,167 to Gardner et al. (hereinafter referred to as "Gardner"). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), MPEP 2131. As set forth in more detail below, Gardner does not disclose the limitations of claim 6.

**Gardner does not teach or suggest a gate dielectric having distinct layers of silicon oxide and silicon nitride.** Amended claim 6 recites:

A semiconductor device comprising an oxide-nitride gate dielectric having substantially similar gate to substrate capacitance as an oxide gate dielectric comprising a thickness less than approximately 20 angstroms, wherein the oxide-nitride gate dielectric comprises a silicon dioxide layer and a distinct silicon nitride layer.

Support for the limitation of claim 6 may be found, for example, on page 16, lines 14-15 of the specification. Gardner teaches a semiconductor topography with a gate dielectric including metal oxide gate dielectric 30 and, in some cases, further including dielectric layer 22. Gardner, however, fails to teach or suggest that such layers, taken alone or in combination, include an oxide-nitride stack having distinct layers of silicon oxide and silicon nitride. As such, claim 6 is asserted to be patentably distinct over Gardner. Accordingly, removal of the § 102(b) rejection of claim 6 is respectfully requested.

**CONCLUSION**

This response constitutes a complete response to all of the issues raised in the Office Action mailed August 14, 2006. In view of the amendments and remarks herein, Applicants assert that pending claims 6-12, 15, 17-21, 23, 24, 26, 27, and 30-35 are in condition for allowance. If the Examiner has any questions, comments, or suggestions, the undersigned earnestly requests a telephone conference.

No fees are required for filing this amendment; however, the Commissioner is authorized to charge any additional fees, which may be required, or credit any overpayment, to Daffer McDaniel LLP Deposit Account No. 50-3268/5298-08000.

Respectfully submitted,  
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